

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, DECEMBER 16, 2014 – 7:00 P.M.

Prayer offered by Vice Mayor Angelia Williams, followed by the Pledge of Allegiance.

The following members were present: Ms. Johnson, Mr. Protogyrou, Mr. Smigiel, Dr. Whibley, Mr. Winn, Ms. Williams and Mr. Fraim.

President Fraim moved to excuse Mr. Riddick from today's meeting.

Motion adopted.

Yes: Johnson, Protogyrou, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Johnson, Protogyrou, Whibley, Smigiel, Williams, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective December 16, 2014.

Yes: Johnson, Protogyrou, Smigiel, Whibley, Williams, Winn and Frain.

No: None.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on a **(1) Year Lease Agreement** between the **City of Norfolk** and **Festevents, LTD**, on property located at **123 Granby Street**.

Thereupon, an Ordinance entitled, "An Ordinance approving the terms and conditions of a **Lease** with **Norfolk Festevents, Ltd**, for certain premises located at **123 Granby Street, Norfolk**, Virginia and authorizing the execution of the Lease," was introduced in writing and read by its title.

Karen Scherberger, Director of Festevents, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective January 16, 2015.

Yes: Johnson, Protogyrou, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on a **(5) Year Lease Agreement** between the **City of Norfolk** and **Festevents, LTD**, on property located at **120 West Main Street**.

Karen Scherberger, Director of Festevents, was present to answer questions.

Thereupon, an Ordinance entitled, “An Ordinance approving the terms and conditions of a Lease with **Norfolk Festevents, Ltd**, for certain premises located at **120 W. Main Street**, Norfolk, Virginia and authorizing the execution of the **Lease**,” was introduced in writing and read by its title.

Karen Scherberger, Director of Festevents, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective January 16, 2015.

Yes: Johnson, Protogyrou, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

PH-3

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on hear comments, on a **Lease Agreement** between the **City of Norfolk** and **Supreme Petroleum Inc.**, on property located at **418 St. Paul’s Boulevard**.

Thereupon, an Ordinance entitled, “An Ordinance approving a Lease Agreement between the **City of Norfolk**, as Lessor, and **Supreme Petroleum, Inc.**, as Lessee, for the Lease of the certain property owned by the City of Norfolk located at **418 St. Paul’s Boulevard**, Norfolk, Virginia, and authorizing the City Manager to execute the **Lease Agreement** on behalf of the City of Norfolk,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 16, 2015.

Yes: Johnson, Protogyrou, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

PH-4

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on a **Lease Agreement** between the **City of Norfolk** and **DK Chicken Corp.**, on property located at **300 St. Paul's Boulevard**.

Thereupon, an Ordinance entitled, "An Ordinance approving a Lease Agreement between the **City of Norfolk**, as Lessor, and **DK Chicken Corp.**, as Lessee, for the Lease of the certain property owned by the City of Norfolk located at **300 St. Paul's Boulevard**, Norfolk, Virginia, and authorizing the City Manager to execute the **Lease Agreement** on behalf of the City of Norfolk," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 16, 2015.

Yes: Johnson, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-5

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on a **Lease Agreement** between the **City of Norfolk** and **JR & Sang Corp., t/a Pandaisia Gourmet** on property located at **520 Main Street, Suite 1**.

Thereupon, an Ordinance entitled, "An Ordinance approving a Lease Agreement between the **City of Norfolk**, as Lessor, and **JR & Sang Corp., t/a Pandaisia Gourmet**, as Lessee, for the Lease of the certain property owned by the City of Norfolk located at **520 Main Street, Suite 1**, Norfolk, Virginia, and authorizing the **City Manager** to execute the **Lease Agreement** on behalf of the City of Norfolk," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 16, 2015.

Yes: Johnson, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment known as “**Cuisine at Slover**” on property located at **235 East Plume Street,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective December 16, 2015.

Yes: Johnson, Protogyrou, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as “**Sassi Cakes and Sweets**” on property located at **330 West 22nd Street, Suites 104 and 105,**” was introduced in writing and read by its title.

The following proponents spoke concerning this matter:

Claus Ihlemann, 4545 Commerce Street, Virginia Beach, VA, Sedric Hill, 2012 Dawnee Brook Trail, Chesapeake, VA and Mark Carrier, 351 West 22nd Street, #102.

The following opponents spoke concerning this matter:

David Zellmer, 718 Redgate Avenue and Jeannie Blassingham, 1308 Manteo Street.

ACTION: The Ordinance as introduced was **adopted**, effective December 16, 2015.

Yes: Johnson, Protogyrou, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving an assignment of easement from **East Beach Marina Apartments LLC.**, and authorizing the City Manager to accept the assignment of easement on behalf of the City,” was introduced in writing and read by its title.

Rick Henn, 1400 Granby Street, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective December 16, 2015.

Yes: Johnson, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the conveyance to the **City of Norfolk** by **Norfolk Redevelopment and Housing Authority** of certain parcels of property that are currently part of the **Park Place Redevelopment Project**, and authorizing the City Manager to accept the **Deed** on behalf of the City,” was introduced in writing and read by its title.

Rodney Jordan, 2506 Myrtle Avenue, spoke concerning this matter, stating that there may be an opportunity to receive a CBDG grant which could put money back into the community.

ACTION: The Ordinance as introduced was **adopted**, effective December 16, 2015.

Yes: Johnson, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a **Lease Agreement** between **James E. Baylor Holding Corporation**, as Lessor, and **City of Norfolk**, as Lessee, for the **Lease** of property owned by **James E. Baylor Holding Corporation** located at **3755 Virginia Beach Boulevard**; authorizing the City Manager to execute the **Lease Agreement** on behalf of the City of Norfolk; and authorizing the expenditure of a sum of up to \$155,000.00 from funds heretofore appropriated to cover the Lease payments for the remainder of **Fiscal Year 2014-2015**,” was be introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective December 16, 2015.

Yes: Johnson, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain certain **Sections of Chapter 6.1 SO AS TO** update the **Code** regarding **Administrative and Departmental** name changes and to reflect changes in certain provisions of State law,” was introduced in writing and read by its title.

Jean Linman, 1432, West Princess Anne Road, spoke concerning this matter, stating that new legislation is being introduced for 2015, in regards to the tethering of dogs and the ear tipping of cats.

ACTION: The Ordinance as introduced was **adopted**, effective December 16, 2015.

Yes: Johnson, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-7

Letter from the City Attorney and an Ordinance entitled, “An Ordinance to amend and reordain **Section 2-155** of the **Norfolk City Code, 1979, SO AS TO** add one new **Subsection, Numbered 2-155(K)**, identifying the standard of review,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective December 16, 2015.

Yes: Johnson, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-8

Letter from the City Attorney and an Ordinance entitled, “An Ordinance to amend and reordain **Section 2-155.1** of the **Norfolk City Code, 1979, SO AS TO** add one new **Subsection, Numbered 2-155.1(L)**, identifying the standard of review,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective December 16, 2015.

Yes: Johnson, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-9

An Ordinance entitled, “An Ordinance to schedule **Council meeting dates for 2015** and to amend and reordain **Section 2-4 of the Norfolk City Code, 1979, SO AS TO** establish the time and place of the regularly scheduled Council meetings,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective December 16, 2015.

Yes: Johnson, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

NEW BUSINESS

1. Sue Doviak, 927 Magnolia Avenue, Friends of the Library, Tom Jones, President of the Foundation and Charles Johnson, 3226 Omuhundro Avenue, Board of Trustees, presented to Council a token of appreciation from the Slover Library.
2. Alice Allen-Grimes, 1322 Mallory Street, spoke to Council about preserving historical school buildings.
3. Jermaine Capel, 600 Creamer Road, spoke to Council about an elected school board.
4. Danny Lee Ginn, 3845 Dare Circle, commented on good government.